

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Carmeuse Lime & Stone
11 Stanwix Street, 11th Floor
Pittsburgh, Pennsylvania 15222

ATTENTION:

David B. Swisher, Corporate Environmental Manager

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Carmeuse Lime & Stone (Carmeuse) to submit certain information about the facility at 25 Marion Avenue in River Rouge, Michigan. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within thirty (30) calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Carmeuse owns and operates an emission source at the River Rouge, Michigan facility. We are requesting this information to determine whether your emission source is complying with the Michigan State Implementation Plan and the CAA.

Carmeuse must send all required information to:

Attn: Compliance Tracker, AE-18J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Carmeuse must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”


This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Carmeuse to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Marie St. Peter at 312 886-4746.

2/22/17
Date



Edward Nam
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The term “capital appropriation,” or “capital project” means a monetary expenditure on depreciable equipment, including any costs to design, engineer, transport, and install said equipment.
2. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes reports, studies, correspondence, phone discussion summaries, writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.
3. The term “capital appropriation request” shall mean the document used by plant personnel in seeking management approval for planned capital expenditures at the facility. These documents are also known as authorizations for expenditure, capital requests or other, similar names.
4. The term “reliability report” shall mean reports which can be generated which detail the amount of downtime an emission unit experiences in a given period of time.
5. The term “Carmeuse” shall mean the Carmeuse Lime and Stone, Carmeuse and all subsidiaries and related entities.

Appendix B

Information You Are Required to Submit to EPA

Carmeuse must submit the following information for its facility at 25 Marion Avenue, in River Rouge, Michigan (facility) pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

1. For each kiln, in electronic spreadsheet form, provide the following data on a monthly basis for the period between February 1, 2012, to the date of this request. For any gaps in data, indicate whether the kiln was operating and the reason for any missing data.
 - a. quantity and type of each raw material (e.g., stone) feed into the kiln (tons per month);
 - b. lime production (tons per month);
 - c. fuel usage (tons or gallons per month);
 - d. average heat content of fuel combusted (btu/lb or gallon of fuel);
 - e. sulfur and ash content of coal combusted (%);
 - f. hours of operation of each kiln (hours per month); and
 - g. mass of limestone fines collected by particulate handling system (if measured).
2. Provide a chronologically organized table of all proposed, approved, and/or completed capital projects at the facility of an amount greater than \$25,000 that were approved or completed between February 1, 2012 and the date of this request. For each such capital project in the table, identify: the affected unit(s); the work performed; the date the project was completed or is projected to be completed; the project work order number and the dollar amount approved and/or expended; and capital appropriation requests, financial justifications, and approvals, including attachments and addenda generated by or prepared on behalf of Carmeuse concerning each project. Additionally, in this table indicate whether the facility received a permit for each project.
3. Provide a list of all emissions tests conducted at the facility for any reason, regardless of whether the testing was completed, for particulate matter, sulfur dioxide, nitrogen oxides, mercury, lead, and hydrogen chloride for the period of January 1, 2010 to the present. Emissions tests include, but is not limited to, compliance testing, engineering testing, and testing for any other purposes regardless if it was required by an applicable law, regulation, and/or permit. Provide a copy of any and all reports for each emissions test. If test reports are not available (or were not generated) provide a copy of all data and other information generated during the test. Use the following guidelines for compiling the list and preparing copies of the test reports/data:
 - a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (e.g., before or after emission unit or air pollution control device), the production rate of the associated emission unit. For each test during which the emissions unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with the Michigan Department of Environmental Quality.

- b. **Results:** Provide full copies of all test reports, data, and other information generated from each test including, but not limited to: summary results pages; process parameters; and production or processing rates at the time of the test, all test run data, and all calculations.
4. For any emissions test, the results of which exceeded any applicable emissions limitation, and conducted since January 1, 2012, provide a detailed explanation of the reasons for the exceedance, any corrective actions the facility undertook to resolve the issue, and the dates of any corrective actions that were taken. Provide a copy of all studies, evaluations, assessments, reports, and documents, including any reports and/or correspondence related to the relevant emissions test.
 5. Provide a copy of all studies, evaluations, assessments, reports, and documents, including any correspondence, related to any of the following topics and dated between January 1, 2012 and the date of this request: extending the life of equipment at the Facility; increasing production capacity; recovering lost production capacity; elimination of forced outages; or upgrading equipment or components.
 6. Provide copies of all reliability reports for each kiln on a calendar month basis from January 1, 2009 to the date of this request. In the event that reliability reports are not available on a per calendar month basis, provide available reports and identify the timeframe covered by each report. In addition to each reliability report, provide a detailed explanation for any unexpected downtimes lasting more than 3 hours that occurred between January 1, 2009 and the date of this request and any associated work orders stemming from any instances contributing to the reliability report.
 7. Provide records, in electronic spreadsheet form or compatible format if possible, of all operating logs listing forced, maintenance, and planned outages or curtailments of either kiln, the cause for each outage, and the kiln downtime for each outage/curtailment since March 26, 2012.
 8. Provide copies of all minor and major New Source Review (NSR)/ Prevention of Significant Deterioration (PSD) permits received and permit applications submitted for the period February 1, 2012 to the date of this request
 9. Provide copies of all reports, correspondence, memoranda and phone discussion summaries, etc. regarding PSD/NSR/New Source Performance Standards applicability for any construction activities undertaken between January 1, 2012 and the date of this request.
 10. Provide a copy of any air quality related administrative or judicial complaints filed against the facility, any notices of violation or notices of non-compliance issued to the facility, any documents resolving alleged violations against the facility (such as consent decrees or consent orders), and any orders issued against the facility, such as administrative orders since February 1, 2012.
 11. Provide annual emission statements (or, if not available, other documents that identify emissions reported for the facility), by emission unit, and any supporting documentation for the period February 1, 2012 to the date of this request.

12. Provide a copy of all Title V deviation reports submitted to the Michigan Department of Environmental Quality for the past five years.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as

substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

David B. Swisher, Corporate Environmental Manager
Carause Lime & Stone
11 Stanwix Street, 11th Floor
Pittsburgh, Pennsylvania 15222


I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by E-mail to:

Tom Hess, Enforcement Unit Manager
Air Quality Division
HESST@michigan.gov

and

Mina McLemore, Supervisor
Detroit Air Quality District
mclomorew@michigan.gov

On the 23rd day of February 2017.



Kathy Jones, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 0049